

Subject: Local Resolution Protocol

Meeting: Council

Date: 14th May 2026

Divisions/Wards Affected: All

1. PURPOSE:

- 1.1 For Council to receive and approve the Local Resolution Protocol (“the LRP”) attached at Appendix 1, and for it to be incorporated into the Council’s Constitution.

2. RECOMMENDATIONS:

- 2.1 It is recommended that Council:

- i) Approves the LRP attached at Appendix 1;
- ii) Instructs the Monitoring Officer to update the constitution to incorporate this new LRP.

3. KEY ISSUES:

- 3.1 The Ombudsman expects Councils to establish an LRP to reduce the number of complaints referred to the Ombudsman relating to ‘low-level’ behavioural issues between members, which in acknowledges typically arise in the “cut and thrust” of normal Council debates and local politics.
- 3.2 In the Ombudsman’s guidance on the Members’ Code of Conduct (paragraphs 1.17 and 1.18), the Ombudsman states that *“In my view such complaints are more appropriately resolved informally and locally in order to speed up the complaints process and to ensure that my resources are devoted to the investigation of serious complaints. The aim of local resolution is to resolve matters at an early stage so as to avoid the unnecessary escalation of the situation which may damage personal relationships within the authority and the authority’s reputation.”*
- 3.3 Each Council in Wales has adopted its own processes to comply with the guidance. Monmouthshire currently has provision for informal resolution of disputes within the constitution (the Protocol for Self-Regulation of Member Conduct).
- 3.4 The all Wales Monitoring Officers group set up a working group to consider the operation of local resolution protocols and to advise on best practice. The working group considered all available LRPs in Wales and instructed Counsel to advise on the operation and extent of LRPs. Following this review, the working group recommended that all Councils review their local resolution protocols against the following criteria:

- 1) The LRP should only apply to low level, member on member complaints;
- 2) The LRP may but does not need to include complaints by officers within its scope;
- 3) The LRP should specify the standards of behaviour expected of members (and a list of such behaviour was provided and suggested for inclusion);
- 4) Although examples of matters which are not 'low level' may be included, the protocol should state that advice should be sought from the Monitoring Officer on the remit of the LRP;
- 5) In the event that a member wishes to refer the matter to the PSOW following the application of the LRP, then they must do this themselves to ensure that the Monitoring Officer's role remains impartial;
- 6) The LRP should state that the complainant and the member must agree to use the LRP;
- 7) The LRP should not apply to:
 - a. complaints from members of the public; or
 - b. complaints by members about an officer.
- 8) Use of the LRP cannot exclude the statutory right of the complainant to complain to the PSOW at any time they choose;
- 9) The number of stages within the LRP is up to each Council but the Group noted that two stages were the most common across Councils in Wales;
- 10) Whether the LRP includes group leaders is up to each council but it should be borne in mind that they have a duty to assist the Standards Committee in its duties. The Group noted that it is more common for them to be called in at the second stage if initial attempts at resolution by the Monitoring Officer have not been successful;
- 11) The inclusion of a hearing stage is not advisable because of perceived predetermination and a lack of statutory basis.

3.6 A draft LRP has been prepared in accordance with the guiding principles set out above. A copy is attached to this report as Appendix 1.

3.7 The LRP provides for a two-stage process for the local resolution of low level disputes. Stage One will involve the Monitoring Officer (or his/her representative) attempting to resolve the matter informally with the agreement of all parties concerned. If it is not possible to resolve the matter at Stage 1, the matter may proceed to Stage 2, which involves mediation between all parties, including Group Leaders. The Chair of the Standards Committee may also attend if they wish.

3.9 Whilst members are not obliged to use the Local Resolution Protocol, and can elect at any time to refer the matter to the Ombudsman instead, the Ombudsman has made

clear that members are in the first instance expected to exhaust local processes in relation to low level issues before referring a matter to the Ombudsman.

4. REASONS

- 4.1 To update the Council's Local Resolution Protocol in order to comply with the guidance referred to above.

6. WELLBEING OF FUTURE GENERATIONS IMPLICATIONS (INCORPORATING EQUALITIES, SUSTAINABILITY, SAFEGUARDING AND CORPORATE PARENTING)

- 6.1 No implications.

7. CONSULTEES

- 7.1 Standards Committee
SLT

8. BACKGROUND PAPERS

Appendix 1 – Local Resolution Protocol

AUTHOR:

James Williams
Chief Officer Law & Governance (Monitoring Officer)
Email: Jameswilliams@monmouthshire.gov.uk